

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Donna Lunday, )  
                    )  
Plaintiff,       )     **ORDER ADOPTING REPORT AND  
                    RECOMMENDATION**  
vs.                )  
                    )  
Dirk Kempthorne, Secretary, United States, )     Case No. 4:07-cv-084  
Department of Interior, or his predecessor- )  
in-office; United States Department of    )  
Interior,          )  
                    )  
Defendants.       )

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On June 9, 2008, Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation in which he recommended that the case be dismissed without prejudice for failure to prosecute. See Docket No. 6. Neither party has filed an objection to the Report and Recommendation.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 6) in its entirety and **DISMISSES** the Plaintiff's complaint without prejudice.

**IT IS SO ORDERED.**

Dated this 26th day of June, 2008.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge  
United States District Court